



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/895,429 | 06/28/2001 | Jian Wang | 2810 | 8984 |

7590 04/06/2006

Laws Offices of Albert S. Michalik, PLLC
704- 28th Avenue NE, Suite 193
Sammamish, WA 98074

| |
|----------|
| EXAMINER |
|----------|

LAROSE, COLIN M

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2624

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/895,429

Applicant(s)

WANG ET AL.

Examiner

Colin M. LaRose

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


**VIKRAM BALI
PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's proposed amendment of claim 1 would overcome the previous 102 rejection in view of Wilcox. Regarding claim 1, Examiner agrees that Wilcox is concerned with only text and does not disclose accessing both "text class" strokes and "drawing class" strokes.

Applicant's proposed amendments of claims 21 and 34 are probably sufficient to overcome the previous 102 rejections in view of Altman. Regarding claims 21 and 34, Examiner agrees that Altman teaches determining the class of the stroke as either "text" or "drawing" based on the location of the stroke, as shown in figure 2B. However, if the stroke is (1) not in a text region 50, (2) not in a drawing region 51, and (3) not longer than two lines 52, Altman performs "gesture recognition on the stroke" 53 to determine whether it falls in the "text" or "drawing" class. Altman's disclosure is not clear as to whether the "gesture recognition on the stroke" involves "an analysis of curvature features of the stroke." Such analysis can said to be inherent if the only way to recognize the gesture of the stroke is via an analysis of the curvature of the stroke. Examiner is not willing to make such an assumption, so Altman is not considered to implicitly teach analyzing the curvature features of the stroke for the purposes of determining whether the stroke is "text" or "drawing".

Applicant's proposed amendments of claims 6 and 15 are not sufficient to overcome the previous 102 rejections in view of Cass. Regarding claims 6 and 15, Cass teaches designating the class of the inputted stroke only during the training phase when the system is trained to recognize different classes of strokes. (The classes each refer to a particular shape, letter, number, etc.) During the recognition phase, the system attempts to recognize the class of an inputted stroke; therefore, the class is not predetermined via a "class switch." As shown in figure 7, a gesture is input, and its curvature features are used to train a Hidden Markov Model in order to determine the "subclass" of the stroke. The subclass directly corresponds to the class of the stroke (col. 8, lines 9-12), and the class of the stroke identifies whether the stroke falls within the broader "text class" or "drawing class."

Since Applicant's proposed amendments change the scope of the claims, further consideration and search are required; therefore, the claims have not been entered.